

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Robert Lionel Mangham**

Docket No. **284885**

L.C. No. **07-015022-FC**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The prosecution's confession of error under MCR 7.211(C)(7) is accepted and defendant-appellant's sentence is VACATED, the trial court having erred in imposing a prison term for felonious assault without articulating a substantial and compelling reason for the departure from an intermediate sanction as required under MCL 769.34(4)(a). *People v Muttscheler*, 481 Mich 372; 750 NW2d 159 (2008). The matter is REMANDED for resentencing.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 06 2008

Date

Sandra Schultz Mengel
Chief Clerk